
PROMISING PRACTICES IN STATE SURVEY AGENCIES

Training to Strengthen Surveyor Skills and Knowledge Related to Legal Aspects of the Survey Process

Wisconsin

Summary

The Bureau of Quality Assurance (BQA), Division of Disability and Elder Services, at the Wisconsin Department of Health and Family Services provides training to strengthen surveyor skills and knowledge related to the legal aspects of the survey process through several educational offerings. Training in this area is the focus of four sessions in the six-week orientation program for new surveyors, a three-day General Investigative Skills course, and intermittent topic-specific training sessions.

Introduction

This report describes the components of Wisconsin's training program that focus on strengthening surveyor skills and knowledge related to the legal aspects of the survey process. The impact of these training offerings and lessons learned that might benefit other agencies considering implementing similar training also are discussed. The information presented is based on interviews with agency management and training staff and review of selected training materials.

Background

Agency management and training staff initiated the training component on enhancing skills and knowledge related to legal aspects of the survey process with the purpose of promoting interactive, hands-on learning opportunities in these areas for new surveyors. The curriculum relies heavily on interactive discussion, case studies, and other exercises to facilitate integration of classroom learning into job performance.

Intervention

The Wisconsin agency requires new surveyors to complete a six-week orientation program that alternates periods of interactive classroom learning with fieldwork under the mentorship of experienced surveyors. Training on skills and knowledge related to legal aspects of the survey process is interspersed throughout the orientation program and also is the exclusive focus of

four orientation courses. The four courses include (1) Investigative Skills Targeted to Survey Processes; (2) Public Records and Confidentiality; (3) Principles of Documentation (POD); and (4) Resident Rights, Protection Advocacy, and Abuse and Neglect. The courses range in duration from two hours to a full day (for the course on POD). Teaching methods utilized in the orientation courses include classroom-based case study and role-playing exercises, an agency-developed Web-based training course, mentor-guided observation, and reading and written assignments. Case studies and other exercises are based on actual experience with survey implementation, informal dispute resolution (IDR) reviews, and feedback from the Federal Oversight and Support Survey (FOSS) analysis. The POD course utilizes Centers for Medicare & Medicaid Services (CMS) guidance on writing a deficiency statement and gives surveyors experience with developing mock deficiency statements.

The agency's Training/Quality Improvement (QI) Unit staff developed the courses, with collaboration from the agency's Office of Legal Counsel (OLC) attorneys for the course on Public Records and Confidentiality and the course on Investigative Skills Targeted to Survey Processes. These two courses are taught by an OLC attorney, while the courses on POD and Resident Rights, Protection Advocacy, and Abuse and Neglect are conducted by Training/QI Unit and other agency staff. The orientation program typically is offered twice a year,

depending on the number of newly hired surveyors.

In addition to completing the orientation program, new surveyors also are required to attend a three-day course on General Investigational Skills taught by attorneys from the OLC in collaboration with the Training/QI Unit. The course, which is open to all staff at the Department of Health and Family Services, emphasizes interactive and hands-on exercises to promote investigational and observational skills. The course includes instruction on the following topics: regulatory authority and principles, evidence, planning an investigation, observation and memory, interviewing and identifying deception, record review, decision making, report writing, and the hearing and appeals process. The General Investigational Skills course is offered twice a year.

Experienced surveyors are encouraged to attend orientation courses or the General Investigational Skills course on a case-by-case basis when they or their supervisors believe it would be valuable to review and reinforce knowledge or skill areas addressed in these offerings.

Legal topics also may be the focus of staff training sessions such as an August 2005 session entitled "Closing the Loop and Making It Stick." This session discussed reasons that deficiencies were amended or deleted during IDR experiences, described the essential components of a thorough investigation, and identified key resources to utilize when conducting a comprehensive investigation.

Additional mechanisms for educating surveyors include sharing information obtained from IDR review and FOSS conclusions via discussion with supervisors or, when appropriate, topical training sessions at regional surveyor staff meetings throughout the state. Agency management staff also utilize memos researched and developed by OLC staff to disseminate updated information on particular regulatory tags or other areas of interest. The memos are disseminated to surveyors through regional managers, who may conduct meetings to discuss how to translate the information into practice when surveying a facility. The BQA memos on legal issues and

OLC feedback also are incorporated into new surveyor orientation courses along with important IDR and FOSS findings.

Implementation

The agency's Training/QI Unit staff led the development of the orientation program for new surveyors. They collaborated with Office of Legal Counsel staff to develop the sessions on Public Records and Confidentiality and Investigative Skills Targeted to Survey Processes. The orientation program was established in 1992 and is continuously refined and updated to reflect changes relevant to agency operations, surveyor responsibilities, or the survey process. The General Investigational Skills course was first presented in 1998 (initially as a five-day session).

Agency management staff estimate that staff time equal to approximately three full time equivalents (FTEs) annually is dedicated to all training development, implementation, and coordination for both long-term care and non long-term care surveyors. Training on legal issues is only one aspect of the instructional offerings.

Impact

Agency management believe that training focused on skills and knowledge related to the legal aspects of the survey process has contributed to more precise, supportable documentation by surveyors. The evidence they offer is low rates of citations overturned or substantively altered during the IDR process.

Surveyors also are perceived by supervisors and by their own assessment to be better equipped to observe and investigate important care areas as a result of the investigative skills training and ongoing topic-specific training. One example of the impact of greater observational and investigational skills resulting from a topic-specific training effort, as described by agency management, relates to training provided to all surveyors to increase awareness and investigation of handwashing by facility staff. The training is believed to have led to more frequent citation of F tag 444 due to observed problems with handwashing practices; surveyors' increased focus in this area led to efforts by the industry to

improve handwashing practices, with the likely outcome of more careful handwashing by facility staff and enhanced infection control.

Lessons Learned

Wisconsin management and training staff report positive experiences with continued implementation of learning opportunities for survey staff in the area of legal aspects of surveying. Training staff and surveyors have found it valuable to base case scenarios, in-class exercises, and other interactive activities utilized during training sessions on real survey experiences, questions and issues. This approach prepares surveyors to readily integrate what they learn into their performance of survey responsibilities.

Contact Information and Resources

For more information about the training approaches used to strengthen surveyor skills and knowledge related to the legal aspects of the survey process at the Wisconsin Department of Health and Family Services, please contact Sharon Rickords, Training/QI Unit Supervisor, at 608/267-3745 or rickosl@dhfs.state.wi.us. Teaching materials used to support the courses described in this report are available on this Website and can be accessed by clicking on the Promising Practices State Supplemental Resources link. For further information on teaching materials, please contact Phyllis Varsos, Staffing Training Coordinator, at 608/266-9432 or varsopm@dhfs.state.wi.us.

This document is part of an issue brief on training programs used in state survey agencies to strengthen surveyor skills and knowledge related to legal aspects of the survey process. The issue brief is one of a series by the Division of Health Care Policy and Research, University of Colorado Health Sciences Center, for the U.S. Centers for Medicare & Medicaid Services (CMS) highlighting promising practices in state survey agencies. The entire series is available online at CMS' Website, <http://www.cms.hhs.gov/SurvCertPromPractProj>. The issue briefs are intended to share information about practices used in state survey agencies and are not an endorsement of any practice.